

## REMARKS

Claims 1 through 20 are in the application and are presented for consideration. By this amendment, changes have been made to original claims 1, 2 and 3. The remaining original claims remain as originally presented.

New claims 15 to 20 have been added. New independent claims 15 and 20 as well as amended claim 1 set forth a combination in which the syringe is formed of a plastic having a plastic connection end provided with a Luer connection. A single injection molded plastic part is provided as a one piece plastic cap structure with a plastic frangible web connected to the plastic material of the connection end of the plastic syringe by a plastic material substance connection. This connection in substance is a material fit or plastic material connection i.e., a weld (a plastic material connection or an integrally provided syringe and fixation part with welded on cap structure). Such a plastic material connection in substance is possible if the materials for the one piece plastic structure and the connection end are compatible with one another, namely both formed of a plastic. An important feature according to this combination is the fixation of the one piece plastic structure with locked cap and the connection end of the syringe such that they can no longer rotate relative to each other, providing a so-called non-detachable connection. A plug type connection is essentially a detachable connection. With the invention since the Luer-Lock provides the a function of securely fixing a flexible tube or cannula, a non-rotatable and nondetachable connection of the cap represents a considerable improvement with regard to safety.

Claims 1 through 12 have been rejected under 35 U.S.C. section 102 (e) as being anticipated by Jansen et al (US 6, 520, 935). The rejection is based on the position that Jansen

et al. teaches each of the features claimed.

Jansen et al. discloses a syringe and cap assembly with a preferred embodiment in which the syringe with tip 22 and barrel 12 is of a glass construction. A cap with frangible portions 86 is provided. The cap is held on the syringe by a positive locking structure with inwardly directed projections 50 that move into groove 54 formed in the tip of the syringe. Jansen et al. fails to teach and fails to suggest a plastic material connection between a plastic material connection end of the syringe and a one-piece cap and frangible web structure. This is neither disclosed with a direct material connection nor with an indirect material connection via a fixation component. With the claimed invention, there is a plastic material connection between the one-piece cap and frangible web structure and the plastic material connection end of the syringe. This is either a direct plastic material connection from the frangible web to the plastic material connection end of the syringe or plastic material connection from the frangible web to the plastic material connection end via a fixation component. Jansen et al. fails to suggest a reason for a one piece plastic structure and the connection end being of materials which are compatible with one another, namely both formed a plastic. The reference fails to teach the crux of the invention. Jansen et al. fails to present any teachings or suggestions which would motivate the person of ordinary skill in the art to depart from the positive engagement structure 50/54 and instead provide a weld connection. Further, Jansen et al. does not present a suggestion of providing a plastic material connection as claimed in which the syringe has a plastic material connection end. Accordingly, reconsideration of the rejection based on Jansen et al. is requested.

Claims 1 through 12 have been rejected under 35 U.S.C. section 102 (b) as being

anticipated by Reinhard et al. (US 6, 280, 418). The rejection is based on the position that Reinhard et al. discloses each of the features is claimed.

Reinhard et al. discloses a container for storing and dispensing injection, infusion and diagnostic preparations. The container includes a base syringe barrel with a glass top section with a glass connector cone 3. Various embodiments are presented including an embodiment with a positive lock connection based on a groove 4 (figure 3). A safety cap with threaded section has a frangible portion with the threaded section 5 interlocking with the groove 4 to maintain the structure in position in the form of a snap connection (column 6). There is no suggestion of a plastic connection in substance as claimed. There is no suggestion as to any reason for a one piece plastic structure and the connection end being of materials which are compatible with one another, namely both formed a plastic. Other embodiments are presented but there is no suggestion of a plastic connection in substance is claimed. Accordingly, reconsideration of the rejection based on Reinhard et al. is requested.

Claims 13 through 14 have been rejected under 35 U.S.C. section 103 (a) as being obvious base in the teachings of Jansen et al. or Reinhard et al. as applied in the anticipation rejections, and further review of Whitney (US 4, 220, 151).

Whitney fails to teach and fails to suggest any reason for a one piece plastic structure and the connection end of the syringe being of materials which are compatible with one another, namely both formed a plastic. As noted above, Jansen et al. and Reinhard et al. fail to teach and fail to suggest a plastic connection in substance as claimed. As the references as a whole fail to suggest the combination as claimed, reconsideration of this rejection is requested.

It is Applicant's positioned to claims as presented patentably define over the prior as a whole. Accordingly, favorable consideration of the new claims and of the revised claims is requested. Favorable action on the merits is requested.

Respectfully submitted  
for Applicant,



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